

Idaho Business Review

Lawyers cheer Idaho's step into electronic case management

by Sean Olson / Published: June 19, 2013



Boise lawyer Adam Kimball turns in case documents to Jeri Heaton, a clerk at the Ada County Courthouse. With case management system improvements approved by the Idaho Supreme Court, lawyers will soon be able to turn in documents electronically. Photo by Pete Grady

Idaho courts administrators are evaluating bids for the creation of a new electronic case management system, a move lawyers say will mean more convenience and lower costs for firms.

The current system is heavily dependent on paper, which means lawyers have to go to courthouses in the seven Idaho court districts to view, copy or file cases. An online repository does allow anyone to look up whether cases exist and their outcomes, but does not offer an opportunity to look at any court documents.

The new system will mirror the federal case-management system, known as PACER, which means it will allow lawyers to electronically file court documents and anyone with an Internet connection to find and print filed court documents from any district in Idaho, said Kevin Iwersen, the chief information officer for the administrative office of the courts.

Lawyers in the Treasure Valley say the project will benefit everyone involved with the legal system.

“It saves time. It saves money. It puts us into the 21st century,” said Thomas Banducci, of the Andersen Banducci firm in Boise.

Court officials have three bids from vendors vying to integrate case management software – which will replace the current case management software, known as iStars – into the Idaho system, Iwersen said. He declined to discuss the bids until one is chosen, which is tentatively scheduled for July.

The budget for the transfer is unknown until a bid is chosen. There was no range of costs outlined in the request for proposals, Iwersen said. A fund set up by the Legislature brings in \$4.8 million in revenues per year to be spent on court technology, but the fund pays for more efforts than just the new case management system.

Iwersen said the state would have to go back to the Legislature in 2014 to ask for more money to fully pay for the project. Maintenance of the system will also cost more, which will be taken from the technology fund, but officials will not know what the increase is until a bid is selected, he said.

The transition to incorporate all seven court districts will take as much as three years, with the first pilot district switching over in the summer of 2014.

When the switch occurs, it could dramatically change some practices, said Thomas J. Lloyd III, a business attorney with Greener Burke Shoemaker in Boise.

Lloyd said lawyers filing in jurisdictions other than their own or even lawyers who don't work within a couple of blocks of a courthouse can save time and money by not making frequent trips to court.

"For rural practices," Lloyd said, "it is much more than a minor inconvenience."

Erik Stidham, a business lawyer and partner with Holland & Hart in Boise, said he expects firms will save money with the change.

Costs add up for firms that must use couriers or messenger services to get hard copies of documents into a faraway court district, Stidham said. Lawyers have limited ability to use fax machines in Idaho districts now, but if a filing is more than 15 pages, it usually must be delivered.

Further, the manpower required to convert all the paper documents into electronic files, which most firms already use, could be cut down significantly, he said.

"It really does save a significant amount of time related to the filing process," Stidham said. "This is the last vestige for our use for paper."

Banducci said it is difficult to determine exactly how much savings can be wrung out of the benefits of the new case-management system, but he is confident the savings will be there.

"I think over a year or two or three it would add up, but I don't know of anyone who has tracked what the convenience factor is," he said.

Lawyers in Idaho have also been prepared for a more digital process by the federal PACER system, Lloyd said, which would likely make it a smooth transition for most firms in the state.

Patti Tobias, administrative director of the courts, said there has yet to be a decision on what the cost for using the system will be for firms and the public. The PACER system charges 10 cents per page of a file that is looked up through the system, although there is usually a cap of \$3 that can be charged for a document even if it goes beyond 30 pages.

That system is much cheaper than most courts in Idaho. In the Ada County District Court, for example, a single copy of one page of a file is \$1.



Allen Richard Derr 1928 ~ 2013

Few can say they changed the world. Even fewer can say they changed the world for the better, but Allen Derr can and did.

Allen passed away on June 10, 2013 with his wife, Judy Peavey-Derr, sister Jane Betts, and close friends Jesse and Harriet Walters, by his bedside. He was born in Sandpoint, Idaho, on April 5, 1928 as the first son and second child of Alfred Morley Derr and Hattie Catherine Allen Derr of Clark Fork, Idaho.

A small man in stature, but big in thought, deed, and spirit, Allen fought for justice and peoples' rights from an early age. The first was leveling the playing field for his younger brother, Jack, who often told the story about getting into fights with classmates and having Allen finish the fight for him. His older sister, Beverly (Bev) recalls the day when he had had enough of her antics and turned the tables on her; she never got the upper hand again. Jane, the last sibling, and complete surprise to Allen who was 17 and out of the country at her birth, was

always protected by her big brother.

Allen's father, a 5 term Senator from Bonner County and Democratic nominee for Governor of Idaho in 1958, brought the family to Boise for the session each year. Too often the Derr farm kids received unwanted attention from authorities and others for various acts such as roller skating in the capitol or staging fights at Hotel Boise where crowds would gather and throw money which was later used for ice cream.

As Allen's interest in the legislative process grew so did his desire to become a page. Eventually he served with his soon to be life-long good friend, Lou Cosho. Lou, prior to his own passing, sent Allen a clipping of an article and picture he had saved for years regarding Allen's killing of a bear at the age of 12 on their ranch in Clark Fork. No small feat for a young boy, but Allen told the story of that day's events as if it was nothing at all.

At age 16 Allen wanted to join the WWII effort. His parents resisted and promised him if he felt the same way at 17 they would grant their permission. He did and they did. He joined the Marine Corps (semper fi) and was sent to China in 1945. He returned to Idaho and graduated from high school in his dress uniform. He reminisced about his time in the Marines saying he had "been scheduled to be fodder on the beaches, but major events outside of his control changed his fate." To the end, always faithful, he approached fellow marines to pay respect to them for their commitment to duty. A few years later after his high school graduation he would sign up with the Air Force to serve in the Korean War.

He was accepted at several colleges, including Stanford and Harvard but chose the University of Idaho. He majored in Journalism, pledged the TKE fraternity, served as the editor of The Argonaut and was involved in many of the campus traditional hi-jinx including but not limited to the WSU cougar, and TKE bell. Allen and his friends on several occasions traveled to Clark Fork from Moscow for the weekend, unannounced, expecting food and a place to sleep. Hattie, his mother and Idaho's first female State Senator, was always prepared with a warm home cooked meal and plenty of laughter. With all of his extra activities he still managed to graduate with honors in 1951 and received many awards for his writing.

Upon graduation Allen worked as the editor for the TKE National Magazine in New Augusta, Indiana. The job was perfect for him. He got to write, travel the nation, visit Cuba before Castro, and meet many interesting people. With a smile he always claimed Hugh Hefner stole his idea for the Playboy center fold from him as he originated TKE's International Sweetheart Contest first judged by Former President and TKE member Ronald Reagan. He loved saying "It's a great life if you can TKE it!" After 4 years he decided to become a lawyer. He said when asked about this career change, "I went astray."

During these years Allen met and married Miriam E. Ross Larson, started law school, was a correspondent for the Lewiston Tribune, Spokane Chronicle, and Spokesman Review. For one year he was a reporter and assistant sports editor for the Lewiston Tribune and no doubt it was during this time he developed his life-long love for the Yankees. In addition to going to law school Allen and Miriam were Proctor and Hostess at Upham Hall surviving many pranks by Tom Kerr, a resident of Upham Hall at the time and former Valley County Commissioner, now retired.

His first job upon graduating from law school in 1959 was as Assistant Attorney General for the State of Idaho with the bar number of "911". One year later he opened his private practice, eventually practicing with brothers, Jim, and Jesse Walters.

Divorced, he met and married Helen Evans. They were married for 28 years when she passed in 1992. It was during these years that Allen argued the Reed v. Reed case, the first successful sex discrimination case in the history of our country in the U.S. Supreme Court, authored articles on law, journalism, and courtroom photography, was a speaker and lecturer, Master of Ceremonies, and radio and television panelist and past interviewee. In 1967 he became one of the Founders of the Idaho Trial Lawyers' Association, was a long time Director of the Idaho Press Club, and was selected by the Idaho Statesman for their "Portrait of a Distinguished Citizen" award. In 1993 Allen, a long-time Democrat and Past State President of the Young Democratic Club of Idaho whose Grandfather had also served in the Idaho Legislature as a Democrat, married Judy Peavey, a long-time Republican, precinct committee person, and with strong family ties to the Republican party. It was the equivalent marriage in Idaho to that of James Carville and Mary Matalin. It seemed odd to some people but it was perfect for them. A discussion between them of current events took on a different perspective every morning and night during the news broadcasts. They did a routine one Friday several years ago for their Boise Exchange Club describing how they each read the morning paper and discussed the events of the day with one another.

They were fortunate to travel and fulfill many of their bucket list dreams, visiting many foreign countries, even retracing Allen's journey throughout China and Asia when he was a Marine. Many of their travels were usually in the company of good friends Ann and Joe Vollmer. Allen managed to find the will to travel one last time to Alaska at Christmas to see the grandsons and ingrain upon them as he did to all of the grandchildren the importance of saying "Cheers" when taking a drink, and the annual trip to Hawaii in February with Ann and Joe.

His real determination and perseverance was recognized when fishing the Kenai Peninsula in Alaska in 2009. At age 81, he hiked into the fishing hole, sat in the river in a lawn chair so he didn't get swept away by the current, and although cold and shivering, landed a sockeye salmon (This was his first salmon caught on a fishing pole, although he had lassoed one as a child).

A year ago during a birthday celebration of a close friend at the Adrian Social Club, Allen was encouraged to sit in as the drummer on a set for a group playing that evening. It had been years since he had played the drums, but at the conclusion of his performance he commented, "Boy, that brought back some fond memories!" He was referring to the days when he and his parents would travel to Noxin, Montana where Allen would play the drums while his mother played the piano in a local establishment. They weren't professional because they didn't receive any "cash" payment.

Over the years he would also cause dinner guests to regale in laughter with his routine of his old and yet still funny jokes used when he performed for audiences during his TKE National Magazine days, playing his harmonica and reciting poems from memory from years ago.

One of his favorite places to relax was on his boat a 26' Fiberfoam, Baja, with a flying bridge on Payette Lake in McCall. When it came time to part with his prized possession he gave it to his son, David, knowing it would be used and enjoyed by him and the granddaughters.

The ACLU recognized him in 2002 with the Idaho Freedom Award, the Idaho State Bar honored him with the Professionalism Award in 2002, the University of Idaho bestowed upon him the Alumni Association Hall of Fame award in 2005, and he was featured, along with his client, Sally Reed in the book DAYS OF DESTINY CROSSROADS IN AMERICAN HISTORY in which America's greatest historians examined thirty-one uncelebrated days that changed the course of history. The chapter examines the Reed v. Reed case 92 S.Ct.251 (1971) in which the U.S. Supreme Court, for the first time in its history, declared a state law discriminating against women violative of the U.S. Constitution's 14th Amendment's equal protection clause.

Allen will be remembered by friends, family, and associates as being one of the most kind, gentle, gracious, and caring men to grace our presence. That alone would be enough to claim a life well lived but he has also left a major legacy for women and their families.

He is survived by his wife, Judy Peavey-Derr; children, Sandra Delanoy (Russell), David Larson; Brian Peavey (Elisa), Jennifer Joanis (Lance); sisters, Beverly Shields and Jane Betts (Bill); brother, John Derr (Dotty); grandchildren, Amanda Larson, Alyssa Larson, Taylor Peavey, Bella Peavey, Emi Peavey, Gabriel Joanis, Jacob Joanis; sister-in-law, Betty Derr; and numerous nieces, nephews, and cousins. He was preceded in death by his parents, sister, brother and former law partner, Jim, little sister, Marietta, and wife, Helen.

While Allen was a Vandal until his death, he did cheer for and held season tickets for years to the BSU Broncos football games. His final request was he hoped friends and family would put aside the rivalry just this once and support his favorite program at the University Of Idaho College Of Law (for "pro bono program"). Address: P.O. Box 442321, Moscow, ID 83844-2321. He believed with all of his heart that more young people studying law needed to understand that it isn't always about making money; sometimes you just have to do the right thing for the sake of justice and your client.

A celebration memorial will be held at the Barber Park Event Center Wednesday, July 31, 2013 from 7 - 9:30 PM. Arrangements are by Summers Funeral Homes, Boise Chapel. Memories and condolences may be shared with the family on Allen's memorial webpage at www.summersfuneral.com.

Store owner skips court

Lewiston Tribune: Jun 15

A Pullman man accused of selling synthetic marijuana at his Lewiston shops failed to appear in court this week for his final pretrial hearing. A jury trial for Sunair K. Iqbal, 25, was scheduled for Monday in 2nd District Court, but has been postponed. Judge Jeff M. Brudie issued a bench warrant Wednesday for Iqbal's arrest and set his bond at \$10,000. Iqbal, the owner of two Bawa Smoke Shops in Lewiston, allegedly sold the substance, known as "Spice," to two undercover officers in 2011 and 2012. Spice is illegal in Idaho and is often packaged as incense under the names Nola Gold, Diesel or K2. Though labeled as not for human consumption, some users smoke it to achieve a high similar to marijuana. Search warrants were served at both Lewiston shops simultaneously on Jan. 10, 2012, according to court records. Iqbal is facing six counts of delivery of a controlled substance and two counts of possession of a controlled substance with intent to deliver. Both charges are felonies in Idaho. The case is currently listed as inactive, but that does not mean the charges are dismissed. Iqbal also filed a motion this month through his attorney, Scott Chapman of Lewiston, to dismiss the charges. Chapman argued that Spice does not fall within the category of controlled substances. Judge Brudie denied the request.

Family of inmate who died in jail files tort claim

Lewiston Tribune: Jun 17- Associated Press

IDAHO FALLS - The family members of a man who died in an eastern Idaho jail have filed a tort claim against Bonneville County. James (Slate) DeWitt was jailed on the evening of Feb. 15 for a probation violation, and jail deputies found him dead in his cell the following morning. An autopsy determined he died of an accidental prescription drug overdose and an enlarged heart, and that he had died at least five hours before his body was found. The Post Register reported that DeWitt's brother, Clay DeWitt, filed a tort claim against the county at the end of May, asking for medical expenses, funeral expenses and monument expenses. If the county declines to settle the tort claim, the DeWitt family will be able to sue for damages in court. DeWitt's wife, Debi Dudley, said she called her husband's probation officer before he was booked into jail because she was afraid he'd taken too many of his prescription medications. "He was like a zombie, and I told them he needed help," Dudley said. She thought the officer would take him to the emergency room, not jail, she said. "He laid there dead for so long. He shouldn't have been there," she said. "He should have been taken to the hospital." DeWitt's death was investigated by Lemhi County Prosecutor Bruce Withers, who determined that DeWitt had taken the Xanax and Oxycodone before he was arrested. Withers determined that neither jail staffers nor fellow inmates were criminally liable for his death. Bonneville County Sheriff Paul Wilde declined to comment on the tort claim, saying only that he was aware of it and that the matter had been turned over to the county's attorney and insurance company, Idaho Counties Risk Management Program.

Portland group sues to beef up Idaho toxics standards to help fish

Idaho Statesman.com: Jun. 17- Rocky Barker

Northwest Environmental Advocates filed a lawsuit Friday against federal agencies for delaying taking action in controlling toxics that threaten salmon and steelhead. The Portland-based group filed the suit under the federal Endangered Species Act against the U.S. Fish and Wildlife Service and National Marine Fisheries Service for not forcing Idaho to fix what it calls the state's "inadequate" toxic standards. "These agencies had already determined over a decade ago, back in 2002, that Idaho's toxics rules were inadequate to protect threatened and endangered species," said Nina Bell, NWEA's Executive Director in a press release. "And then, they did nothing." Idaho's Department of Environmental Quality submitted its toxics standards in 1994 to the U.S. Environmental Protection Agency for its approval under the Clean Water Act. EPA approved them in 1996, triggering a view under the Endangered Species Act to determine if they affect threatened and endangered species. Bell said the two agencies have worked on the issue for 17 years after deciding Idaho's toxics standards weren't protective enough to protect endangered fish. But they have not been able to come to an agreement with EPA. When the fish and wildlife agencies completed similar reviews in Oregon in 2012, they found that levels of some toxic chemicals would jeopardize the existence of salmon and steelhead. EPA subsequently disapproved these Oregon standards. Bell said the group hope to get the same result from this lawsuit. "It's clear that without litigation, Idaho's fish aren't going to get the protection they require for survival," she said. The lawsuit is aimed to protect not only salmon and steelhead but also bull trout, Kootenai River white sturgeon, and five snails. There are 23 toxic pollutants at issue that Idaho adopted criteria for the protection of aquatic species, the groups says are inadequate.

Prosecutor's office adopts new duties

Lewiston Tribune: Jun 18- Kerri Sandaine

ASOTIN - The Asotin County Prosecutor's office is reorganizing duties and taking over child dependency cases for the state Department of Social and Health Services. The \$65,000 annual contract with DSHS was approved by the Asotin County Commission Monday night following a presentation by Prosecutor Ben Nichols. As of July 1, Nichols will represent the state in child welfare cases and a contract attorney will be hired to help with the felony caseload. Nichols will also be handling all juvenile criminal cases. Asotin County Chief Deputy Prosecutor Curt Liedkie will be in charge of about 75 percent of felony criminal cases, and the contract attorney will handle the other 25 percent, Nichols told the commissioners. The new position provides no benefits and is strictly tied to the contract, he said. The prosecutor's office bid on the contract with DSHS to bring new money into the county general fund, Nichols said. It comes at a good time because a state-funded grant for southeast Washington's Methamphetamine Project was not renewed by the Legislature, he said. That money helped pay for a deputy, a clerk and a prosecutor, and it dries up at the end of the month. The child dependency cases that Nichols will be taking over arise when a child's welfare is at risk. The state can intervene in custody of the child, place the child in foster care or order the parents to participate in a variety of services. "If they are unable to fix what's wrong in the family, the state can terminate parental rights," Nichols said. Another area of concern the county plans to address is remission, a term used when court fines and fees are forgiven because of a hardship. "The additional staff member and reorganization of the workload will allow us to get more involved in areas touching on financial issues, such as collection of fines and fees," Nichols said. "We definitely want to get more involved in remission. We'd like to see a more studied approach so that people who are truly deserving get it, and the people who do not deserve it don't." Nichols said one woman asked the court to forgive almost \$9,000, saying she was a college student and couldn't afford to pay. It turned out she had a college degree but hadn't found a job. She was ordered to pay once she's employed, he said. A standard felony conviction in Asotin County carries the following fees: a \$500 crime victim compensation fee, a \$200 filing fee, a \$40 sheriff's service fee, a \$750 court-appointed attorney fee, \$100 for the DNA collection fund and a \$1,000 fine. The money goes to the state and county, based on mathematical formulas. "We want to see more county money stay in the county," Nichols said. Asotin County Commissioner Jim Fuller said he's pleased the county is prosecuting juveniles who get caught stealing liquor from stores. The commissioners are considering an ordinance that would restrict people's ability to pick up booze so easily, and county retailers would have to close off the area where liquor is sold. "Children are going to the hospital on overdoses of hard alcohol because it's so easy to get," Nichols said. "We are going to have a dead child if something is not done. I would love to have the problem addressed before we have that tragedy." The commissioners said they also are concerned about caseload standards for indigent defense, the standards that determine whether a public defender is appointed for a needy person charged with a crime, which go into effect this fall. The changes will put a major pinch in the county budget, said Asotin County Commission Chairman Brian Shinn. About 98 percent of felony defendants in Asotin County are getting public defenders. In some cases, indigent defense is awarded without much inquiry, officials said, and they want to make sure everyone who gets a public defender meets the financial qualifications.

Uzbek charged with terrorism gets new Idaho lawyer

Lewiston Tribune: Jun 19- John Miller/ Associated Press

BOISE - An Uzbek refugee accused of terrorism-related crimes in Idaho and Utah has a new lawyer whose resume includes successfully defending a man accused of murdering a federal agent and helping free a Saudi college student charged with working for a group funneling money to terrorists. A federal judge appointed Charles Peterson to take over Fazliddin Kurbanov's defense. Kurbanov, 30, of Boise, has pleaded not guilty in U.S. District Court in Boise to charges including that he helped teach people to build bombs to target public transportation. Peterson, who didn't immediately return a phone call seeking comment Tuesday, has experience in some of Idaho's highest-profile cases. He was part of the defense team that helped win Randy Weaver's acquittal on charges that he murdered a deputy U.S. marshal on northern Idaho's Ruby Ridge in August 1992. Weaver's family later won a \$3.1 million payment from the federal government, also with Peterson's help. And Peterson in 2004 helped defend Sami Al-Hussayen, a Saudi Arabian student at the University of Idaho who was acquitted in U.S. District Court of using his computer skills to support terrorism in the wake of the Sept. 11 attacks. Al-Hussayen was acquitted of most charges before being sent back to Saudi Arabia. More recently, Peterson helped Republican state Sen. Monty Pearce of New Plymouth in 2012 beat back a complaint brought by Democrats that he'd violated the Senate's ethics rules by not disclosing natural gas leases on his western Idaho property before voting on rules governing the energy industry. Peterson was appointed by U.S. District Judge Edward Lodge to replace Richard Rubin, Kurbanov's previous attorney. Rubin's office, Federal Defenders Services of Idaho, handles about 75 percent of cases involving federal defendants who can't afford their own attorneys. But he received Lodge's permission to withdraw last Thursday after citing federal budget cuts this year, known as sequestration, that have left Rubin's staff attorneys with insufficient resources to continue Kurbanov's case while still handling their existing defense cases. Kurbanov, a Russian- and Uzbek-speaking truck driver who arrived in Idaho in 2009 amid political unrest in his central Asian home country, was arrested May 17 at his apartment in Boise. In Idaho, he's charged with providing material support and resources, including computer software and money, to the Islamic Movement of Uzbekistan, a group designated by the U.S. government as a foreign terrorist organization. Prosecutors say he had materials to build a bomb. In Utah, he's charged with teaching others how to make a weapon of mass destruction. The lessons included how-to shopping trips in preparation for bombing a public transportation facility, authorities have said.

Man sentenced for having over 600 pornographic images of kids

Idaho State Journal: Jun 19- Journal Staff

POCATELLO — An Idaho Falls man found to be in possession of more than 600 sexually explicit digital images of minors was sentenced Monday in federal court in Pocatello to serve more than six years in prison. James R. Brown, 50, will after serving the 78-month sentence in federal prison, was also ordered by Chief U.S. District Judge B. Lynn Winmill to spend ten years on supervised release, according to a release from the U.S. Attorney's Office. Brown first came to the attention of authorities in April of 2011 when an FBI investigation uncovered that Brown's e-mail account had been used to send an child pornography image to another person. Further investigation determined Brown may have been using the computer network at his employer to send the illegal image. Brown's employer was contacted and conducted an internal investigation, while also cooperating with the federal investigation. Brown eventually admitted in August of 2012, that he possessed a laptop computer with more than 600 such illegal images of minors. When interviewed by authorities, Brown admitted to possessing "thousands" of images of sexually explicit conduct, about half of which he estimated were images of minors. Brown pleaded guilty to possessing of sexually explicit minors in March.

Idaho prison contract up for bid after CCA admits to falsified records

MagicValley.com: Jun 19- Associated Press

BOISE, Idaho (AP) — Idaho prison leaders are looking for a new company to run the state's largest prison after Corrections Corporation of America admitted to understaffing and overbilling for its work operating the Idaho Correctional Center. But the Idaho Department of Correction won't be allowed to submit its own bid or take over operations at the prison south of Boise, because Board of Correction Chairwoman Robin Sandy said that would amount to expanding state government. The three-member Board of Correction made the decision during a meeting Tuesday evening, opting not to let an automatic two-year extension of CCA's \$29.9 million contract kick in when the current contract expires on June 30, 2014. The board also decided that it would consolidate medical services at all the prisons under one statewide medical contract, rather than keeping the medical care services at the Idaho Correctional Center separate. Currently, Corizon provides medical care at every prison in the state except for Idaho Correctional Center, where it is handled by CCA. CCA's Idaho spokeswoman Andrea Evans said she didn't know if the company would bid on a new contract. The Idaho Correctional Center has a been rife with problems for the past several years, with inmates bringing multiple federal lawsuits alleging rampant violence, a policy of understaffing and a practice of guards ceding too much control to prison gangs. The ACLU of Idaho sued in 2010 on behalf of inmates who said the CCA-run facility was so violent that inmates called it "Gladiator School;" that lawsuit resulted in a settlement in which CCA promised to make widespread management and staffing changes. In 2011 the company reached a financial settlement with one inmate, Hanni Elabed, who was beaten by a fellow inmate until he suffered brain damage while several guards watched. CCA's attorneys have vigorously fought the lawsuits and company officials maintain the safety and security of inmates and CCA employees are the CCA's top priorities. An Associated Press investigation into CCA's staffing reports earlier this year showed the company sometimes listed its guards as working as much as 48 hours straight in order to fill minimum staffing requirements. The Idaho Department of Correction subsequently asked the Idaho State Police to investigate understaffing allegations at the Idaho Correctional Center, and CCA later admitted its employees falsified thousands of hours of staffing records during much of 2012. The Idaho State Police investigation is still under way and state officials have not yet released any details of their findings. During Tuesday's meeting, Idaho Department of Correction Director Brent Reinke said CCA has been cooperative with the state's investigation and that investigators are "looking at some of the legal actions that are out there." Board member J.R. Van Tassel said it was time for the state to "shuffle the deck" and see what other potential bidders are interested in the contract. But Van Tassel said he also thought that the state needed an idea of what the real costs are for running the prison, and said that in order to do that, the Idaho Department of Correction should put together its own bid. "The department should be putting in a bid as well, if not to compete for providing the management of that facility, at least to give us a real-time critical look at what the costs are to operate that," Van Tassel said. But the chairwoman of the board, Robin Sandy, said the department was too busy to spend the time needed to pull together a "courtesy bid." "Our people are just so slammed, to bid it for the sake of comparison ... I don't know how we could expect people to go through the process with no intention of bidding on it," Sandy said. Reinke agreed that while he would appreciate the opportunity to examine the potential costs, his department wouldn't be able to pull together the information in the time span needed. After the meeting, Sandy said she wouldn't rule anything out in the future, but that she didn't think the state should run the prison because that would amount to an expansion of government and she believes in small government. "That would be several hundred more state employees, and they would be on the state system, and it would grow the entire government by several hundred," she said. Van Tassel countered that the state is already paying for the operation of the prison, it's simply giving the money to CCA instead of to its own people. "We're already paying for those employees," he said. It's the second time the Board of Correction has decided against having the department examine what it would cost the state to run the facility. About five years ago Reinke asked the board and Gov. C.L. "Butch" Otter's office if his department could bid for the contract to run ICC, and the board responded with a firm "no." The Idaho Correctional Center building and property is owned by the state but CCA has operated the facility since it opened in July 2000. The prison appeared to operate uneventfully for several years until so many inmates began filing lawsuits alleging similar civil rights abuses that a federal judge began consolidating the cases. Amid the lawsuits the U.S. Attorney's office for Idaho acknowledged that the FBI was also investigating the prison for alleged abuses against prisoners; that investigation is ongoing.

Murder suspect takes stand

Coeur d'Alene Press: Jun 19- David Cole

COEUR d'ALENE - Closing arguments and jury deliberations are scheduled to begin this morning in the second-degree murder trial of 29-year-old St. Maries resident Joseph Herrera. On Tuesday, Benewah County Prosecutor Doug Payne called to the witness stand Sally Aiken, a medical examiner from Spokane County who conducted the autopsy of Herrera's girlfriend, 18-year-old Stefanie Comack. Herrera is accused of deliberately shooting Comack in the head with a handgun on Christmas day 2011 at Herrera's parents' home in St. Maries. Herrera has maintained her death was an accident. Aiken said her examination of Comack's wound showed the gun was touching Comack's forehead on the right side when it was fired. "I have no doubt it's a contact gunshot wound," Aiken told the 1st District Court jury under questioning from Payne. Aiken said the skin near the entry wound was seared from the heat, there was smoke soot on the bone and "gas" from the blast was forced up under the skin, all characteristics of a contact wound. A doctor who examined Comack at Benewah Community Hospital in St. Maries immediately after the shooting also testified it was a contact wound. Comack's mother, Suzy Comack, testified briefly, saying her daughter was "intelligent, beautiful" and "sarcastic at times," but "very, very loving." Suzy Comack said her daughter had high expectations for herself, wanting to some day work in the medical field or become a lawyer. "She thought she could argue pretty well," her mother said. Payne rested his case just before lunch Tuesday, and defense attorney James Siebe called his client to the stand after the break. Herrera painted the picture of a romance that started fast in August 2011. They initially met through a mutual friend and he said he soon got a call from her asking if he would "want to hang out?" Within a couple weeks they were spending every night together, and smoking meth on a daily basis, partying for days on end. They usually spent the night upstairs at his parents' house, where she would be shot just months after they met. Then 28, with no job and using drugs constantly, Herrera told the jury he felt like a "loser" at that time. He had taken two handguns from his father without permission to protect himself against a man who had been coming after him and vandalized his vehicle. Herrera suspected Comack had soon begun using meth with other people, too, he said, and seemed to be dropping weight fast. "She would disappear for two to three hours at a time," he said. It "seemed she was lying about little stuff that didn't matter." There was never any violence between them, he testified. At one point, he said, they both agreed to break their cell phones together because they had been spending too much time online communicating with friends. Comack's mother earlier testified that Herrera had broken Stefanie's phone to stop her from calling her mother. He said he had never threatened to commit suicide to keep her from leaving him, something other witnesses said he had done. On the morning of her shooting, Herrera testified that he looked at a new cell phone she had and saw she had been "Facebooking other guys." He said he confronted her after she woke up, and he said she was mad he had been looking at her phone. He said, "It bothered me," but didn't described himself as angry. "I didn't want to be with her if she didn't want to be with me," Herrera said. "I wanted her to do what she wanted to do." She began gathering up some dirty clothes and preparing to go to her family's place to celebrate Christmas. He said she was disappointed he didn't want to join her. He planned to give her a ride to her mother's place. While she loaded up her backpack, he grabbed one of his father's handguns, he said. He was sitting on a rocking chair next to the bed with the gun when he pointed it at the side of his head and said he would rather shoot himself than go to her mother's house. "I was just trying to express a point," he said. The clip was out of the gun, he said, and he didn't think there was a round in the chamber. Herrera said Comack, who was crouched down near him, grabbed the gun and pulled it away from his head. Siebe asked, "Do you recall how it went off?" "No," Herrera answered. He said he had never fired the weapon before. "Are you guilty of second-degree murder?" Siebe said. "No, I am not," Herrera said. During cross examination, Payne asked Herrera, "Your hand was still on the trigger?" Herrera couldn't remember. "You don't recall the gun coming into contact with Stefanie's head," Payne asked. Again, Herrera couldn't recall. The trial resumes at 9 a.m. today at the Juvenile Justice Building in downtown Coeur d'Alene.

Man Accused of Raping 13-year-old Girl to See Trial

MagicValley.com: Jun 19- Alison Gene Smith

TWIN FALLS • A 14-year-old girl who says a 37-year-old man repeatedly raped her testified in court Friday for his preliminary hearing. Twin Falls County Magistrate Judge Michael Redman decided prosecutors have enough evidence to take the case against Shawn Levi Elwood to a jury trial. The girl, who was 13 at the time of the alleged rapes, testified that Elwood raped her about 20 times between summer 2012 and spring 2013. Before her testimony, Redman asked if everyone not affiliated with the case could leave the courtroom, though he noted it was a public hearing and no one was forced to leave. On one instance, the girl said, Elwood would not let her leave his room, put her on his bed and undressed her against her will. The girl said she also was raped in the cab of Elwood's semitrailer while it was parked on the Twin Falls side of the Snake River Canyon rim. "He told me not to tell anybody," the girl said. The girl said Elwood told her he'd make her look crazy -- like she needed a "psych ward." If she ever became pregnant, Elwood told the girl, he'd take her and leave the country. In March, the girl said, her mother asked if Elwood had ever tried anything sexual with her, and she finally told her parents. Soon after, she made a report to police. In his cross examination, Elwood's attorney, Keith Roark, asked the girl why she continued to return to Elwood's home. The girl said she didn't know what would happen if she refused. On April 25, police searched Elwood's home. There, they collected several computers, digital media storage devices and bedding, a police report says. All the items were sent to labs. Elwood is scheduled to be arraigned July 1 in Twin Falls County District Court on charges of lewd conduct with a child younger than 16 and forcible sexual penetration with a foreign object.

Judge rules no Medicaid fraud by health clinic

Idaho State Journal: Jun 19- Jimmy Hancock

"There is no proof that Seasons of Hope committed fraud." That is a statement written by Idaho Senior Judge Peter D. McDermott, serving as a hearing officer in Seasons of Hope's appeal of the decision by the Idaho Department of Health and Welfare to suspend its Medicaid provider status in a 14-page letter that accused the operation of fraud. In that March letter, which effectively shuttered Seasons of Hope's business, Health and Welfare also told the company that more than \$439,000 in Medicaid payments it deemed were overpayments must be repaid, and that a \$110,000 civil monetary penalty was levied, meaning the operation must pay \$550,000 to Health and Welfare. Heath Sommer, owner and operator of Seasons of Hope, which had more than 100 employees in seven offices throughout Eastern and Southern Idaho when it received the letter, said from the beginning that the accusations were unfounded, and he would fight them. In late April, he even accused Health and Welfare of committing fraud in its investigation, stating in a release that "there are at least 17 clear cases of misrepresented allegations that represent a malicious and hostile characterization of Seasons by the department for departmental gain." Health and Welfare began investigating Seasons of Hope in early 2012, doing a partial check of the operation's Medicaid billing from June 1, 2010, through January. Sommer told the Journal in April that throughout the process, Health and Welfare officials assured him he would be able to respond to their concerns prior to action being taken. At the end of March, however, Seasons of Hope was sent a 14-page letter stating that the operation's Medicaid provider status had been suspended pending further investigation and that suspension would remain in place for five years if nothing happened to change that. On Tuesday, McDermott did change that. In his judgment, McDermott ended Seasons of Hope's suspension and restored its Medicaid provider status. He also dismissed allegations of fraud against Seasons of Hope by Health and Welfare, as well as allegations of fraud against Health and Welfare by Seasons of Hope. McDermott did find, however, that Health and Welfare was entitled to a judgment. That judgment is for a little more than \$94,000. Seasons is also ordered to pay nearly 10,000 in civil penalties and a little more than \$8,000 in fines. In a release emailed by Sommer Tuesday evening, he says Seasons of Hope will once again open for business. "Having received the news of the vindication of my staff, my agency and myself has been a blessing of great magnitude," Sommer wrote. "Still, we are trying to process how a branch of the government we all pay for chose to shut down a viable business rather than make a few simple, inquiring phone calls that could have saved so many jobs and continued needed services for hundreds of patients. But this is America, and we have the gift of reopening our doors and starting over. Tomorrow we begin again." In his decision, McDermott pointed to some of the reasons for his findings. "Making errors is not fraud," he writes. "Fraud requires an intentional act." McDermott goes on to say that while the provider is responsible for knowing the Medicaid rules and regulations, they can be confusing, adding that Seasons of Hope reached out to the correct entities for advice and followed that advice. He said providers are entitled to rely on that expertise and advice. Both parties have 14 days to appeal McDermott's decision, otherwise it becomes final.

Lawyers cheer Idaho's step into electronic case management

IdahoBusiness Review: Jun. 19- Sean Olson

Idaho courts administrators are evaluating bids for the creation of a new electronic case management system, a move lawyers say will mean more convenience and lower costs for firms. The current system is heavily dependent on paper, which means lawyers have to go to courthouses in the seven Idaho court districts to view, copy or file cases. An online repository does allow anyone to look up whether cases exist and their outcomes, but does not offer an opportunity to look at any court documents. The new system will mirror the federal case-management system, known as PACER, which means it will allow lawyers to electronically file court documents and anyone with an Internet connection to find and print filed court documents from any district in Idaho, said Kevin Iwersen, the chief information officer for the administrative office of the courts. Lawyers in the Treasure Valley say the project will benefit everyone involved with the legal system. "It saves time. It saves money. It puts us into the 21st century," said Thomas Banducci, of the Andersen Banducci firm in Boise. Court officials have three bids from vendors vying to integrate case management software – which will replace the current case management software, known as iStars – into the Idaho system, Iwersen said. He declined to discuss the bids until one is chosen, which is tentatively scheduled for July. The budget for the transfer is unknown until a bid is chosen. There was no range of costs outlined in the request for proposals, Iwersen said. A fund set up by the Legislature brings in \$4.8 million in revenues per year to be spent on court technology, but the fund pays for more efforts than just the new case management system. Iwersen said the state would have to go back to the Legislature in 2014 to ask for more money to fully pay for the project. Maintenance of the system will also cost more, which will be taken from the technology fund, but officials will not know what the increase is until a bid is selected, he said. The transition to incorporate all seven court districts will take as much as three years, with the first pilot district switching over in the summer of 2014. When the switch occurs, it could dramatically change some practices, said Thomas J. Lloyd III, a business attorney with Greener Burke Shoemaker in Boise. Lloyd said lawyers filing in jurisdictions other than their own or even lawyers who don't work within a couple of blocks of a courthouse can save time and money by not making frequent trips to court. "For rural practices," Lloyd said, "it is much more than a minor inconvenience." Erik Stidham, a business lawyer and partner with Holland & Hart in Boise, said he expects firms will save money with the change. Costs add up for firms that must use couriers or messenger services to get hard copies of documents into a faraway court district, Stidham said. Lawyers have limited ability to use fax machines in Idaho districts now, but if a filing is more than 15 pages, it usually must be delivered. Further, the manpower required to convert all the paper documents into electronic files, which most firms already use, could be cut down significantly, he said. "It really does save a significant amount of time related to the filing process," Stidham said. "This is the last vestige for our use for paper." Banducci said it is difficult to determine exactly how much savings can be wrung out of the benefits of the new case-management system, but he is confident the savings will be there. "I think over a year or two or three it would add up, but I don't know of anyone who has tracked what the convenience factor is," he said. Lawyers in Idaho have also been prepared for a more digital process by the federal PACER system, Lloyd said, which would likely make it a smooth transition for most firms in the state. Patti Tobias, administrative director of the courts, said there has yet to be a decision on what the cost for using the system will be for firms and the public. The PACER system charges 10 cents per page of a file that is looked up through the system, although there is usually a cap of \$3 that can be charged for a document even if it goes beyond 30 pages. That system is much cheaper than most courts in Idaho. In the Ada County District Court, for example, a single copy of one page of a file is \$1.

Courts haven't found unity on religious accommodations at work

IdahoBusinessReview: Jun 19- Sylvia Hsieh

In greater numbers, workers are asking their bosses to change their work schedules, relax company dress codes and make other adjustments so that they can fulfill their job requirements and religious obligations at the same time. And workers are increasingly putting their faith in the courts to resolve the disputes that arise when employers refuse to accommodate these requests. Religious discrimination complaints have been steadily rising over the past decade and a half, according to Equal Employment Opportunity Commission statistics. Courts are grappling with work-faith conflicts that include observing Sabbath, wearing religious clothing, symbols or facial hair and abstaining from certain job duties that conflict with religious tenets, such as dispensing birth control or divorce advice. "We're a more pluralistic society now than 20 years ago. There are so many more religious practices and more interaction in the workplace," said Todd McFarland, associate general counsel for the General Conference of Seventh-day Adventists in Silver Spring, Md. "Employers are trying to keep religion out of the workplace and out of the break rooms; that can cause problems as well," he added. Layoffs and downsizing have forced workers to be reassigned to new managers who sometimes toss existing arrangements. "In this economy, we've had a flood of calls. We're overwhelmed," said Alan Reinach, an attorney and executive director of the Westlake Village, Calif.-based Church State Council, which litigates religious discrimination and harassment cases on behalf of workers of various faiths alleging violations of Title VII of the Civil Rights Act. As a lawyer who advises employers on these issues, David D. Kadue counsels his clients to "take the most humane and defensible action in hindsight so you don't get sued." "We really advise employers to bend over backwards," said Kadue, a partner in the Los Angeles office of employment law firm Seyfarth Shaw. The legal question becomes: How far must an employer bend to avoid breaking the law? The U.S. District Court for the District of Columbia recently concluded that retail chain Rent-A-Center was not required to remove a store manager from the Saturday schedule to accommodate his observance of Sabbath every Saturday. It noted that the store had a small staff and Saturday was its busiest day, the store manager had duties that no other staff member could fulfill and company policy required all store managers to work on Saturdays. "In light of these three uncontested facts about Rent-A-Center's business, the accommodation EEOC requests is for (the employer) to carve out an exception to its generally applicable scheduling policy and allow its most important employee at a particular store to be regularly absent on the most important day of the week at that store. The Court will not require (Rent-A-Center) to undertake the accommodation," the court said. **Circuits conflict on 'eliminating a conflict'** One question that has percolated up to the U.S. Courts of Appeals is whether an employer must offer an accommodation that entirely eliminates the conflict between a worker's religious beliefs and work requirements, or whether it's enough for an employer to make an effort that ameliorates the work-religion conflict. In other words, if an employer offers to give a Presbyterian Sundays off to observe Sabbath, must it give him all 52 Sundays off, or would requiring him to work on two Sundays a year still be reasonable? The circuits are split on the answer. "Sooner or later the Supreme Court is going to have to address this," said McFarland. "Probably not next term, but there's a very clear circuit split." "It's kind of a mess," added Kadue. "The EEOC takes the most vigilant pro-employee position, seeking much more accommodation than most employers do." Jeanne Goldberg, a senior attorney in the EEOC's Office of Legal Counsel, said the EEOC's approach is consistent with Title VII and requires a reasonable accommodation to "eliminate the conflict between work and religion unless such accommodation would impose an undue hardship, i.e. more than de minimis cost or disruption on the employer's business." Some circuits, including the 5th and 6th Circuits, follow this approach, citing a U.S. Supreme Court case, *Ansonia Board of Education v. Philbrook*, 479 U.S. 60 (1986), that discussed elimination of a work-religion conflict in the context of an employer that offered a teacher unpaid leave for religious holidays that exceeded days allowed under a collective bargaining agreement. Other circuits take a different view, instead looking at the "totality of the circumstances." The 8th Circuit rejected an employee's argument that an accommodation must eliminate all possible work-religion conflicts as a matter of law in *Sturgill v. United Parcel Service*, 512 F.3d 1024 (8th Cir. 2008). Two circuits have followed suit in *EEOC v. Firestone Fibers & Textiles Co.*, 515 F.3d 307 (4th Cir. 2008) and *Sanchez-Rodriguez v. AT&T Mobility Puerto Rico*, 673 F.3d 1 (1st Cir. 2012). **'Got to try'** Some state laws increase the burden on employers who claim that accommodating an employee's religion creates an undue hardship, adding another set of rules for employers that operate in those jurisdictions. Under a California law that kicked in on Jan. 1, which mirrors a New York law, an employer claiming it can't offer a reasonable accommodation because of "undue hardship" must show "significant difficulty and expense" based on a list of factors, including its size, financial resources and cost of the accommodation. The federal definition of "undue hardship" requires an employer prove only something more than a de minimis expense. According to Kadue, the increased burden is "a very difficult standard to meet." But some believe the standard was too easy to meet before. "The whole point of the California standard is to tell employers, 'You've really got to try,' because right now the federal standard is so low," McFarland said.

Judge sides with provider in Medicaid fraud case

Lewiston Tribune: Jun 20- Associated Press

POCATELLO - A former state judge appointed to oversee a financial fraud case has cleared a mental health provider of wrongdoing and restored the clinic's status as a Medicaid provider. The decision was made Tuesday by former state judge Peter D. McDermott, who was appointed to serve as an administrative hearing officer in a case against Seasons of Hope, which operates clinics across southern and eastern Idaho. The Chubbuck-based provider lost its Medicaid payments earlier this year after an 18-month investigation by the Idaho Department of Health and Welfare. Investigators accused the company of billing for services not covered, misrepresenting services and billing for services that were not documented, leading the agency to revoke its Medicaid provider status. State officials were also demanding Seasons of Hope repay \$439,000 in overpayments and pay a \$110,000 civil penalty. Seasons of Hope administrators appealed, but only after laying off about 100 employees and closing clinics. On Tuesday, McDermott sided with the clinic, determining that its administrators made mistakes but did not intentionally seek to defraud the state and the Medicaid program. "Making errors is not fraud," McDermott wrote. "Fraud requires an intentional act. There is no proof that Seasons of Hope committed fraud." McDermott also ruled the agency's Medicaid Program Integrity Unit placed too much emphasis during the investigation on the testimony of disgruntled former employees of the clinics. The judge did hold the clinic responsible for the inappropriate billing. McDermott dismissed counter claims of fraud alleged by Seasons of Hope and ordered the clinic to repay the state agency more than \$94,000, along with penalties and fines. Seasons of Hope CEO Heath Sommer said the decision paves the way for him to rehire staff and reopen branches. "Having received the news of the vindication of my staff, my agency and myself has been a blessing of great magnitude," Sommer said in a statement issued Tuesday. "Still, we are trying to process how a branch of the government we all pay for chose to shut down a viable business rather than make a few simple, inquiring phone calls that could have saved so many jobs and continued needed services for hundreds of patients." Health and Welfare Spokesman Tom Shanahan said Wednesday that agency attorneys are still reviewing the decision. Both parties have 14 days to appeal the decision.

Jury convicts St. Maries man in girlfriend's death

Coeur D'Alene Press: Jun 21- Associated Press

COEUR D'ALENE - A St. Maries man has been convicted of second-degree murder in the Christmas Day 2011 shooting death of his girlfriend. Jurors deliberated for less than three hours Wednesday before finding Joseph Herrera, 29, guilty in the death of Stefanie Comack, 18. She was shot in the head in a bedroom area upstairs in Herrera's parents' house in St. Maries. First District Court Judge Fred Gibler scheduled sentencing for Aug. 29. Right after the shooting, Herrera told police he was unloading the gun when it went off. During the trial he testified he pointed what he believed was an unloaded gun at his head and said he would rather shoot himself than go to Comack's parents' house for Christmas. He said she grabbed the gun and it went off. During closing arguments, Benewah County Prosecutor Doug Payne said Herrera acted with malice and in a way that showed a conscious disregard for human life by pulling out a handgun during an argument. Payne said Comack planned to break up with Herrera, and that she told her sister in a private Facebook message on Christmas Eve that she was starting to realize Herrera didn't care about her. "This was a relationship that was in a nose dive," Payne said. Herrera has maintained the shooting was an accident. His attorney, James Siebe, said Herrera was reckless in a chaotic moment. "There's nothing in this case about a deliberate intention to kill Stefanie Comack," Siebe said. Comack's mother, Suzie Comack, said after the verdict that she appreciated the work of the prosecutor and Idaho State Police Detective Paul Berger, and she thanked those in the community who she said supported her family as the case went through the courts. "This is what we wanted; this is what we needed," Suzie Comack said. "We're very, very thankful to the jurors for making the right decision."

Special Olympics named in lawsuit over alleged rape

IdahoStatesman.com: Jun 21- Katy Moeller

A plaintiff says her daughter was assaulted at a Boise event in a case Ada prosecutors say won't be pursued. The suit, which cites multiple defendants, was filed in Lewiston's 2nd District Court by Diane McIntyre of Lewiston and the alleged victim's husband. According to the lawsuit, McIntyre's 27-year-old daughter, who has Asperger's syndrome, was raped by a 26-year-old Lewiston man July 16, 2011, during a Special Olympics event in Boise where both were competing. No criminal charges will be filed, according to the Ada County prosecutor's office. Attorney Jean Fisher screened the case. "I determined we couldn't prove the elements beyond a reasonable doubt," Fisher told the Statesman Thursday. The alleged perpetrator was a sex offender as a juvenile and was listed in the state's sex offender database, according to Dawn Peck, manager of the Idaho's Bureau of Criminal Identification. When juvenile sex offenders turn 21, they are expunged from the juvenile registry unless the court orders the person continue to be listed in the adult registry, Peck said. MULTIPLE AGENCIES INVESTIGATED Lewiston Police Capt. Roger Lanier said Lewiston police assisted the Boise Police Department in the investigation and all their information was forwarded to Boise. Boise Police Department spokeswoman Lynn Hightower declined to release any information about the case. The Clarkston, Wash., Police Department also was involved in the investigation because McIntyre took her daughter to be examined for evidence of rape at Tri-State Memorial Hospital in Clarkston. Clarkston Police Sgt. Dan Combs said Thursday that he took a report about the incident that the family said occurred at a dance at Timberline High School in Boise. McIntyre told the Statesman this week that none of the investigating agencies did an in-depth interview with her daughter, and they were too slow to follow up with witnesses - all of whom are mentally challenged. "I wasn't expecting 'Law & Order SVU.' I was expecting a little more diligence on their part, a little bit more understanding of what type of people they were dealing with," McIntyre said. She said the alleged perpetrator told many people that he'd raped her daughter and that he'd done something similar in the past. Her daughter has since gained 50 pounds and has been prescribed an antidepressant. "It has affected her relationship with her husband," McIntyre said of her daughter, who was engaged at the time. "She still has panic attacks in public. She has a therapy dog and doesn't go many places on her own." The Statesman has filed public record requests for reports from all three police departments involved. SAFETY POLICIES The lawsuit says Special Olympics was negligent in not protecting vulnerable adults. Special Olympics is a nonprofit that provides free athletic training and competitions for adults and children with intellectual disabilities. Laurie La Follette, CEO of Special Olympics Idaho, said Wednesday that the organization hadn't been served with a complaint. She said via email that the group has safety policies in place, including background checks on volunteers. LaFollette said the athlete in question is not currently listed as a sex offender "nor have any criminal charges been filed against this athlete." Other defendants in the suit are the accused rapist, Lewis-Clark Special Olympics, Michelle Allen of the Lewis-Clark Special Olympics and Special Olympics Inc. The suit seeks more than \$10,000 in damages, or an amount to be determined at trial. Katy Moeller: 377-6413; Lewiston Tribune reporter Kevin Gaboury contributed to this report.

Madison Co. reviewing its courthouse security

Standard Journal June 14, 2013 Post Register

REXBURG -- Madison County officials are reviewing security at the Madison County Courthouse after a man got into a secure area, threatened a judge and then attempted to escape after being handcuffed. Officials say an unlocked deadbolt on a door to the judge's chambers allowed Enrique C. Armenta, 30, of Menan, to enter a secure hallway and confront Magistrate Judge Mark Rammell the morning of June 6. Security procedures normally require the door to be locked at all times. Armenta was charged June 7 with assault and resisting or obstructing officers, both misdemeanors. Court records say Rammell said Armenta advanced toward him in a threatening manner and continued spitting in the judge's direction after repeatedly being told to return to the courtroom. Rammell had to forcibly move Armenta into the courtroom and locked the door.

Domestic violence organization holds event for dads

By KELCIE MOSELEY kmosley@idahopress.com June 16, 2013 Idaho Press-Tribune

CALDWELL — Men who support efforts to end domestic violence or lead by example don't always get the recognition they deserve — a problem the nonprofit organization Advocates Against Family Violence sought to remedy with the first Dads Against Domestic Violence event Saturday in Caldwell. Executive Director Kim Ivacek said the free admission event was a joint effort between AAFV and other vendors and donors in the area who wanted to participate. Between noon and 8 p.m. Saturday at Griffiths Park, attendees enjoyed live music, raffles, games, bounce houses for children and other activities, finishing off the night with a fireworks show. "We wanted to call attention to the dads in our area that stand behind us in putting an end to domestic violence," Ivacek said. "... We need to recognize the men in a positive way and a positive light." Though few people were in attendance right at noon, Ivacek said a steadier stream started showing up throughout the day and she felt turnout was good for a first-time event. Posted around the park area were signs with quotes and facts surrounding the topic of domestic violence, including one that said every day across Idaho, 683 women and children seek community services like the ones AAFV provides. Ivacek said even if people just come to be entertained, they take something away from an educational standpoint. "It at least plants a seed in their mind that this social epidemic is occurring," she said. "That's how I see it, as a social epidemic." Barth Williams, outreach coordinator for Stevens-Henager College, said the College was presented with the opportunity to participate and was one of several organizations to contribute to the raffle. He said the college felt it was a great event for a good cause. "Advocates Against Family Violence is a great organization and I think the community needs to support anyone who's dealt with abuse," Williams said. Ivacek intends on holding the event next year because she thinks it's an important one, particularly since domestic violence is an issue that affects everyone, she said. Taxpayer dollars are used to fund criminal proceedings of domestic violence cases, the law enforcement personnel who respond to incidents and organizations like AAFV. "If you think it's not affecting you, it is," she said. Idaho to look for new company to run private prison, but won't look at running it itself... Posted by Betsy Eye on Boise June 18, 2013 Idaho prison leaders are looking for a new company to run the state's largest prison, the AP reports, after Corrections Corporation of America admitted to understaffing and overbilling for its work operating the Idaho Correctional Center. But the Idaho Department of Correction won't be allowed to submit its own bid or take over operations at the prison south of Boise, because Board of Correction Chairwoman Robin Sandy said that would amount to expanding state government. The three-member Board of Correction made the decision during a meeting Tuesday evening, opting not to let an automatic two-year extension of CCA's \$29.9 million contract kick in when the current contract expires on June 30, 2014. The board also decided that it would consolidate medical services at all the prisons under one statewide medical contract, rather than keeping the medical care services at the Idaho Correctional Center separate. Currently, Corizon provides medical care at every prison in the state except for Idaho Correctional Center, where it is handled by CCA..

Idaho to look for new company to run private prison, but won't look at running it itself...

Posted by Betsy June 18, 2013 Eye on Boise

Idaho prison leaders are looking for a new company to run the state's largest prison, the AP reports, after Corrections Corporation of America admitted to understaffing and overbilling for its work operating the Idaho Correctional Center. But the Idaho Department of Correction won't be allowed to submit its own bid or take over operations at the prison south of Boise, because Board of Correction Chairwoman Robin Sandy said that would amount to expanding state government. The three-member Board of Correction made the decision during a meeting Tuesday evening, opting not to let an automatic two-year extension of CCA's \$29.9 million contract kick in when the current contract expires on June 30, 2014. The board also decided that it would consolidate medical services at all the prisons under one statewide medical contract, rather than keeping the medical care services at the Idaho Correctional Center separate. Currently, Corizon provides medical care at every prison in the state except for Idaho Correctional Center, where it is handled by CCA.

Idaho launches criminal justice reform push

Posted by Betsy June 18, 2013 Eye on Boise

Idaho has some of the nation's lowest crime rates, but its prison population is growing quickly at a time when most states are seeing declines. So now all three branches of state government in Idaho – from the governor to the Supreme Court to the Legislature – are coming together to launch an intensive new effort to find out what's going wrong and fix it, with the help of grant funding and aid from the Pew Charitable Trusts, the U.S. Department of Justice's Bureau of Justice Assistance, and the Council of State Governments' Justice Center; you can read my [full story here](#) at spokesman.com. The state qualified for more than a quarter-million dollars in grant funding for the effort, which Gov. Butch Otter unveiled at a news conference in his office today, joined by Supreme Court Chief Justice Roger Burdick, legislative leaders, top officials from an array of state agencies and representatives of Pew and CSG. "Criminal justice is taking a larger and larger share of our state budget every year," Otter said. And despite Idaho's low crime rates, one of every 34 males is involved in the criminal justice system and one of every 156 females, he said. Plus, 51 percent of those in Idaho's prisons are repeat offenders. "So what are we not doing while we have them, to prepare them for a life outside of the correctional environment that they end up in?" Otter asked. "What more can we do?" Other states including Texas, Kansas, South Carolina and more have worked with the same partners on the "justice reinvestment" approach, which involves intensive analysis of data, developing policy options, putting new strategies in place and measuring results. Some states have seen impressive results. Texas estimated that it averted \$340 million in operational costs and \$1.5 billion in prison construction costs. South Carolina was expecting an increase of 3,000 prison inmates in 2010 and \$300 million in increased costs; instead, its prison population dropped. "We're going to use every tool we possibly can," Otter said. That could include changes in sentencing, treatment, education, rehabilitation and more. A broad, multi-agency working group started meeting on the project today, and a legislative interim committee is holding its first meeting this afternoon, chaired by the House and Senate judiciary chairmen, Sen. Patti Anne Lodge, R-Huston, and Rep. Rich Wills, R-Glenns Ferry. The aim is to develop solutions as soon as possible, including some that could be considered in the legislative session that starts in January of 2014. Wills, a retired state trooper, said, "It's going to be a great opportunity for us to bite the bullet, to save money, and to prepare our citizens that need it, that are housed behind those walls, to get out and do something constructive rather than destructive as we've seen in the past."

Teen gets prison for stabbing mother Judge: 'To describe this as a difficult case is a woeful understatement'

By JOHN FUNK jfunk@idahopress.com June 18, 2013 Idaho Press-Tribune

CANYON COUNTY — A Caldwell teenager who pleaded guilty in March to aggravated battery will serve at least seven years and six months of a 15-year prison sentence, 3rd District Judge Thomas J. Ryan ruled Monday afternoon. But Jeremiah Ramirez, 18, could get out earlier if he successfully pursues mental health treatment while in prison. Ryan retained jurisdiction, allowing the court to review the case — and potentially withdraw the sentence — until the defendant's 21st birthday. Ramirez was arrested in September 2012 after officers, responding to reports of a disturbance, broke down the front door on the 3100 block of College Avenue and found Mildred Nava Ramirez, the defendant's mother, on the floor with multiple stab wounds. She was transported to a Boise hospital and survived to testify at Monday's sentencing hearing, where she discussed her son's difficult childhood and his struggle with mental health and substance abuse issues. "I need to know that he will be okay, because no matter what happens, I still love him and I still pray for him," she tearfully told the court. "I just want the court to understand that prison will not get Jeremiah the help he needs so desperately." Deputy Prosecuting Attorney Ty Ketlinski recommended a 15-year prison sentence with five years fixed. Ramirez, who was 17 at the time of the crime, told investigators he suffered from schizophrenia and bipolar disorder, Ketlinski told Ryan, but a psychological examination led to a diagnosis of an amphetamine-induced psychotic disorder. That seemed unlikely, Ketlinski continued, because Ramirez had only used methamphetamine a few times. Subsequently, another doctor diagnosed the defendant with antisocial personality disorder, borderline personality disorder and moderate psychopathy. That, Ketlinski told the court, seemed to be the best fit. Lary Sisson, Ramirez' attorney, agreed with Ketlinski that incarceration is necessary — probation would not be appropriate in this case. Sisson, however, asked for a 10-year sentence with two and a half years fixed with the Department of Juvenile Corrections. "Young men who are 18 years old and have some of the issues that Mr. Ramirez has are not ideal candidates for rehabilitation within the walls of the Department of Corrections," Sisson said. When invited to address the court, Ramirez told Ryan that he feels humiliated and ashamed by what he did, that he loves his mother, and that he's taken advantage of opportunities while in jail to address his own issues. "I grew up into someone I never wanted to be," Ramirez told the court. "I have no excuses, but I'm willing to accept any punishment you're willing to give me. I deserve to be in prison. I don't feel comfortable with myself right now."

Prison contract up for bid

By REBECCA BOONE The Associated Press Idaho Press Tribune June 19, 2013

BOISE — Idaho prison leaders are looking for a new company to run the state's largest prison after Corrections Corporation of America admitted to understaffing and overbilling for its work operating the Idaho Correctional Center. But the Idaho Department of Correction won't be allowed to submit its own bid or take over operations at the prison south of Boise, because Board of Correction Chairwoman Robin Sandy said that would amount to expanding state government. The three-member Board of Correction made the decision during a meeting Tuesday evening, opting not to let an automatic two-year extension of CCA's \$29.9 million contract kick in when the current contract expires on June 30, 2014. The board also decided that it would consolidate medical services at all the prisons under one statewide medical contract, rather than keeping the medical care services at the Idaho Correctional Center separate. Currently, Corizon provides medical care at every prison in the state except for the Idaho Correctional Center, where it is handled by CCA. CCA's Idaho spokeswoman Andrea Evans said she didn't know if the company would bid on a new contract. The Idaho Correctional Center has been rife with problems for the past several years, with inmates bringing federal lawsuits alleging rampant violence, a policy of understaffing and a practice of guards ceding too much control to prison gangs. The ACLU of Idaho sued in 2010 on behalf of inmates who said the CCA-run facility was so violent that inmates called it "Gladiator School;" that lawsuit resulted in a settlement in which CCA promised to make widespread management and staffing changes. In 2011, the company reached a financial settlement with one inmate, Hanni Elabed, who was beaten by a fellow inmate until he suffered brain damage while several guards watched. CCA's staffing reports showed the company sometimes listed its guards as working as much as 48 hours straight in order to fill staffing requirements. The Idaho Department of Correction subsequently asked the Idaho State Police to investigate understaffing allegations at the Idaho Correctional Center, and CCA later admitted its employees falsified thousands of hours of staffing records during much of 2012. The Idaho State Police investigation is still under way and state officials have not yet released any details of their findings. During Tuesday's meeting, Idaho Department of Correction Director Brent Reinke said CCA has been cooperative with the state's investigation and that investigators are "looking at some of the legal actions that are out there."

Board member J.R. Van Tassel said it was time for the state to "shuffle the deck" and see what other potential bidders are out there. But Van Tassel said he also thought that the state needed an idea of what the real costs are for running the prison, and said that in order to do that, the Idaho Department of Correction should put together its own bid. "The department should be putting in a bid as well, if not to compete for providing the management of that facility, at least to give us a real-time critical look at what the costs are to operate that," Van Tassel said.

Caldwell teen sentenced for stabbing mother

CALDWELL (AP) — Morning News June 19, 2013

An 18-year-old Caldwell man who pleaded guilty to stabbing his mother last September has been sentenced to up to 15 years in prison. Third District Judge Thomas J. Ryan sentenced Jeremiah Ramirez for aggravated battery on Monday, saying he'd have to serve at least 7 ½ years of his sentence. However, the judge retained jurisdiction until Ramirez turns 21, meaning he could be released from prison early if he successfully completes mental health treatment. Ramirez was arrested on Sept. 25, 2012, after officers responding to a report of a disturbance found his mother, 42-yearold Mildred Ramirez, on the floor of their house with multiple stab wounds. He was 17 at the time, but was charged as an adult.

Man pleads guilty in sexual assault case

JEROME (AP) — Morning News June 19, 2013

A Jerome man charged with sexually assaulting a 15-year-old girl two years ago has pleaded guilty in a deal reached with prosecutors. Davis Jose Raymundo pleaded guilty to sexual battery of a child younger than 16 in 5th District Court Monday. The victim later gave birth to twins and DNA evidence shows Raymundo is the father. Raymundo will be sentenced next month. Jerome County Prosecutor John Horgan says will recommend a prison term of three to seven years and suggest the court retain jurisdiction in the case. The Times-News reports that means Raymundo will undergo treatment before a judge decides whether he serves more time in prison. The assault occurred at a party in July 2011. Raymundo and the victim said they were intoxicated and couldn't remember the encounter.

I.F. considers prosecution changes

By Ruth Brown rbrown@postregister.com June 19, 2013

The Idaho Falls City Council is considering turning over the city's prosecution duties to City Attorney Randy Fife. Today, that responsibility is handled by the Bonneville County Prosecutor's Office. If approved, the move would result in significant budget and staffing changes for the offices of both the city attorney and the county prosecutor. Fife started with the city April 1 after Dale Storer resigned in September following the discovery of billing discrepancies. He had served 30 years as city attorney. The city's contract with the county for prosecution services dates to the fallout from another high-profile city resignation. The city's previous in-house prosecutor, Kimball Mason, resigned in January 2006 after questions arose regarding guns missing from the Idaho Falls Police Department's evidence vault. In April 2006, Mason was convicted of stealing guns from the evidence vault and lying to prosecutors about the whereabouts of the weapons. He served nearly four years in prison. Currently, the city pays the county \$161,940 to prosecute its cases. This year's county budget request, however, was increased to \$237,306. That's because the county is ending its practice of subsidizing city prosecution costs. With a full-time city attorney in place, the council has the option of expanding the office to handle the prosecution of misdemeanors and infractions within city limits. Before Fife's arrival, the city contracted with Storer, a private attorney, and his law firm -- Holden, Kidwell, Hahn & Crapo -- to handle most of the city's legal work. But the firm only handled civil cases. Should council members decide to take prosecution in-house, about \$200,000 would be transferred from Prosecutor Bruce Pickett's office to Fife's office. There are pros and cons to making the switch. "The advantage to having it at the city is that we would have a little bit more management and control of movement of misdemeanor issues," Fife said, "which includes a recognition that within the tax base the city is providing city services for citizens the city is prosecuting." There also is some advantage in having a central place where the city's legal services -- both civil and criminal -- are being directed from, Fife said. However, Fife continued, because Pickett's office has a long record of handling the city's criminal cases, the process runs smoothly as is. "The advantage to having it where it is, is that they probably have their own efficiencies (at the prosecutor's office) because they do both county misdemeanors and city misdemeanors," Fife said. Pickett agreed that keeping city prosecutions in his office makes it a sort of central location for all crimes within the county. But he said he wouldn't take issue should the council decide to move city prosecution in-house. "For us, our budget would go down, but payroll would go down as well," Pickett said. The city will hold budget workshops July 23 and 24. Both Fife and Pickett have submitted their budgets and the council will make the final decision. Fife already has hired one assistant city attorney, Elliot McMillan, who will start work July 1 at a salary of \$50,000, plus benefits. If the council votes to bring all prosecution in-house, Fife would need to hire another two attorneys and one assistant. He also would incur startup costs, including furniture and supplies for the office. Conversely, if the contract was taken from Pickett's office, he said he would be forced to lay off at least one deputy prosecutor, one assistant and one part-time assistant. Fife's possible prosecution duties would include only misdemeanors and infractions. Felonies, whether they are county or city, must be handled in Pickett's office. But the misdemeanors and infractions caseload Fife's office could face still would be significant. From Jan. 1, 2012, to Jan. 31, 2013, Pickett's office handled 6,393 misdemeanor cases of which 62 percent, or 3,948 cases, were within city jurisdiction, Pickett said. In that same time frame, the office handled 17,768 infractions, which include city code violations. Of those, 54 percent, or 9,539 cases, were within city jurisdiction, Pickett said. Without the cost of prosecuting city crimes and the additional hires, Fife's office would request a budget of \$278,921 for civil work. Should Fife's office take over city prosecution duties, his budget request would increase to \$443,762 for both civil and criminal work combined. City Council President Ida Hardcastle said the council has not decided what to do with its budget for prosecuting crimes. "After I hear the facts, we will make that decision," Hardcastle said. "I am anxious to see the differences."

Ex-Rigby councilman charged

By Ruth Brown rbrown@postregister.com June 19, 2013

Former Rigby City Council President Lawrence Blackburn was picked up May 17 on a warrant in Gilbert, Ariz., and returned to Jefferson County by officers from the Mesa, Ariz., Police Department. Blackburn was arraigned Friday after being charged by the Idaho Attorney General's Office with two felonies -- grand theft and insurance fraud. The charges stem from his dealings with an elderly client, Margaret Orvick, through Lantech Financial, the private investment company he headed. Blackburn resigned from the Rigby City Council on Feb. 5 and moved out of state. The Attorney General's Office took over the case because Jefferson County Prosecutor Robin Dunn declared a conflict of interest, saying he had done civil legal work for Blackburn. The alleged crimes began after 91-year-old Orvick died in 2011. After Orvick's death, Blackburn identified himself in estate paperwork as her son and listed three of his children as beneficiaries of her estate. Each of Blackburn's children received \$5,000 from Orvick's estate. According to court documents, Blackburn said he had used Orvick's accounts for personal expenses, including utility bills, Red Box DVD rentals and hotel rooms in Kentucky, Nevada and California, as well as cash withdrawals. The attorney general's insurance fraud charge alleges that Blackburn falsely identified himself as Orvick's son in an annuity application to Allianz Life Insurance Co. The grand theft charge stems from Blackburn's taking funds from Orvick or Orvick's estate in excess of \$1,000, the complaint said. The most recent criminal charges, which were filed April 1, are not the first of Blackburn's troubles. District Court Judge Gregory Moeller awarded \$30,000 to Orvick's daughter and primary estate beneficiary, Marie Starr Orvick, in a judgment issued Oct. 11, 2012, according to previous reports. The Idaho Department of Insurance also fined Blackburn \$3,000 and revoked his insurance license. Additionally, Blackburn was successfully sued three times since the Orvick lawsuit for unrelated debts and ordered to pay a total of \$9,521.30, according to previous reports. Blackburn was booked into the Jefferson County Jail on Thursday and released Friday on a \$5,000 bond. His next court appearance had not been scheduled as of Tuesday. Insurance fraud is a crime punishable by up to 15 years in prison and a \$15,000 fine. Grand theft is a crime punishable by one to 14 years in prison and a \$5,000 fine.

Activist arrested for pot

By Alison Gene Smith Twin FallsTimes-News Morning News June 19, 2013

TWIN FALLS -- Prosecutors have enough evidence against anti-nuclear activist Peter Rickards to bring him to trial in a marijuana trafficking case, a judge ruled during a preliminary hearing Friday. Rickards, 58, was arrested May 24 after Twin Falls County sheriff's detectives served a warrant at his home and reported finding dozens of jars of dried marijuana as well as live plants. The Twin Falls podiatrist and one-time Idaho gubernatorial candidate said he had a "religious right" and "spiritual and constitutional right to have my plants," deputies reported. Rickards told deputies to ask a judge about keeping his plants alive while he was in jail because they are part of his religion, the report said. Deputies said they found several books on growing marijuana, and Rickards told them he smokes about three joints a day and stays high on marijuana every day. Detective Guy Joslin testified Friday that he also found a map showing where different types of marijuana were planted and reported smelling fresh and burnt marijuana in Rickards' home. During cross-examination by defense attorney Keith Roark, Joslin said he'd never arrested anyone who packaged marijuana like the product he saw at Rickards' home. County Magistrate Judge Michael Redman found that the evidence was sufficient to try Rickards on two counts of felony trafficking in marijuana. Rickards is scheduled to be arraigned July 1 in district court.

Silence sentenced to at least two years Judge: Middleton securities broker's actions 'willful and intentional'

By JOHN FUNK jfunk@idahopress.com June 19, 2013 Idaho Press-Tribune

ADA COUNTY — "I love you, dad," said former securities broker Gerald Silence as he was escorted from the courtroom in handcuffs to begin serving at least two years in an Idaho prison. "I love you, son," came the whispered reply from the back of the gallery. Fourth District Judge Richard Greenwood sentenced Silence on Tuesday to 10 years in prison with two years fixed on two felony counts of selling unregistered securities. He also ordered Silence to pay \$326,000 in restitution to the victims, but expressed skepticism that they'd ever see much more than the \$10,000 he paid prior to sentencing. "You bilked them, plain and simple," Greenwood told the defendant. "The bottom line is that this is a crime of dishonesty." According to statements made in court, Silence told prospective investors that he'd put their money in real estate and other projects, but instead transferred the funds to other accounts he controlled and — in some cases — used them for personal expenses. Even when Silence paid investors back in full, Greenwood said at sentencing, he did so using other investors' money, not returns on legitimate projects. Idaho state law requires all investment sales to be registered with the Department of Finance — a law that exists specifically to prevent this kind of thing from happening. Had Silence complied with that law, Greenwood said, no investor would have agreed to finance the defendant's personal life with funds intended for real estate. Kimberly Simmons, Silence's attorney, asked last week for a suspended sentence and probation, so Silence could continue working and start paying restitution immediately. He already had a job offer with a start-up company selling safety equipment for all-terrain vehicles, she said, but that opportunity would vanish if he went to prison. Greenwood, however, said he felt probation was not an adequate punishment for Silence's crimes. "There's no excuse for taking people's money based on the premise that you'll be making investments when there is no investment," Greenwood said. "I truly believe that anything less than a prison sentence would depreciate the seriousness of this crime." Furthermore, Greenwood said, Silence appeared to express little remorse toward the victims. "I think the defendant's major concern is the loss of reputation, the loss of self-image," he said. "I think, Mr. Silence, that your remorse is for yourself."

Idaho leaders will look into how to reduce crime, prison costs Justice Reinvestment project will address high percentage of people on probation, parole

By REBECCA BOONE The Associated Press Idaho Press Tribune June 19, 2013

BOISE — A group of Idaho lawmakers will spend the next several months researching ways to reduce crime and prison costs with the help of the Council of State Governments and other organizations. Gov. Butch Otter announced the Justice Reinvestment project on Tuesday, saying he wants the state to figure out how to do a better job of keeping people out of prison without spending more money. Numbers from the Council of State Governments show Idaho has a higher percentage of people on probation or parole than surrounding states, and the number of people incarcerated in Idaho prisons grew nearly 30 percent between 2004 and 2010. More than a third of those in prison are repeat offenders. "How can we do things better without throwing more and more money at it?" Otter said during the press conference. "One of the disappointing things that we have in our correction system is the recidivism rate." The Council of State Governments Justice Center, funded by the Pew Charitable Trusts and the U.S. Department of Justice, will work with an interim legislative committee to identify ways the state could work to reduce Idaho's prison population and use any cost savings to help prevent crime. "Over the years, I have visited dozens of inmates. I never walk away — as good as it is — I never walk away without thinking, 'There has to be a better way,'" said Senate President Pro Tem Brent Hill, who attended the press conference. Hill said other states have used the Justice Reinvestment method to reduce costs and to make significant improvements in the criminal justice system. In Idaho, the interim legislative committee will be supported by a Justice Reinvestment Working Group that will include members from several state agencies, the judiciary and other criminal justice experts. "You see here all the branches of government, both political parties ... so we as a legislative body can set our legislation based on real data," Hill said. The interim committee might have proposals for lawmakers to consider as early as the 2014 legislative session, said Sen. Patti Anne Lodge, who is co chair of the committee.

Idaho mental health provider cleared of fraud

Post Register June 20, 2013

POCATELLO (AP) -- A former state judge has cleared a mental health provider of wrongdoing and restored the clinic's status as a Medicaid provider. The decision was made Tuesday by former state judge Peter D. McDermott, the administrative hearing officer in a case against Seasons of Hope, which operates clinics in southern and eastern Idaho. The Chubbuck-based provider lost its Medicaid payments earlier this year after an 18-month investigation by the Idaho Department of Health and Welfare. Investigators accused the company of billing for services not covered, misrepresenting services and billing for services that were not documented, leading the agency to revoke its Medicaid provider status. State officials also demanded that Seasons of Hope repay \$439,000 in overpayments, as well as a \$110,000 civil penalty. Seasons of Hope administrators appealed, but only after laying off about 100 employees and closing clinics. The provider had operated an Idaho Falls office at 3240 S. Woodruff Ave. A call to that office Wednesday was met by a message that the phone number is disconnected. The company had served 79 clients within the Post Register's 10-county coverage area, including 37 in Idaho Falls. McDermott sided with the clinic Tuesday, determining that its administrators made mistakes but did not intentionally seek to defraud the state and the Medicaid program. McDermott also ruled the agency's Medicaid Program Integrity Unit placed too much emphasis on the testimony of disgruntled former employees of the clinics. The judge did hold the clinic responsible for the inappropriate billing. McDermott dismissed counter claims of fraud alleged by Seasons of Hope and ordered the clinic to repay the state agency more than \$94,000 along with penalties and fines. Seasons of Hope CEO Heath Sommer said the decision paves the way for him to rehire staff and reopen branches. "Having received the news of the vindication of my staff, my agency and myself has been a blessing of great magnitude," Sommer said in a statement. "Still, we are trying to process how a branch of the government we all pay for chose to shut down a viable business rather than make a few simple, inquiring phone calls that could have saved so many jobs and continued needed services for hundreds of patients." Officials from the Department of Health and Welfare did not immediately return telephone calls. Both parties have 14 days to appeal the decision. The Post Register contributed to this report.